

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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**SECURITIES AND EXCHANGE  
COMMISSION,**

**Appellee-Applicant,**

**v.**

**COVINGTON & BURLING, LLP,**

**Appellee-Respondent,**

**and**

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**JOHN DOE,**

**Appellant-Intervenor.**

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**No. 23-5212**

**STATEMENT OF THE APPELLANT-INTERVENOR  
OF THE ISSUE TO BE RAISED ON APPEAL**

In this case, the Securities and Exchange Commission (“SEC”) served an administrative subpoena on the law firm Covington & Burling, LLP (“Covington”)—the victim of a state-sponsored cyberattack—to compel the law firm to disclose, among other things, the identity of its clients potentially affected by the attack, in part so that the SEC could investigate the firm’s clients. When Covington refused to disclose the confidential identity of its clients, the SEC filed this action to enforce its administrative subpoena. The appeal arises from the district court’s July 24, 2023 Order, granting in part the SEC’s Application for an Order to Show Cause Requiring Compliance with the Subpoena and requiring Covington to produce the names of seven clients, including John Doe, and the district court’s accompanying memorandum opinion.

Appellant-Intervenor John Doe hereby identifies the following issue raised in this appeal:

(1) Whether the district court erred in concluding that the SEC did not exceed its investigative and administrative subpoena authority by requiring Covington to disclose the confidential identity of its client John Doe, notwithstanding the protections accorded to the confidentiality of the attorney-client relationship and the absence of any predication to believe that Covington's clients had engaged in wrongdoing.

Dated: October 26, 2023

Respectfully submitted,

/s/ Mark E. Schneider, P.C.

Mark E. Schneider, P.C.  
KIRKLAND & ELLIS LLP  
300 North LaSalle  
Chicago, IL 60654  
Telephone: +1 312 862 2000  
Facsimile: +1 312 862 2200  
mark.schneider@kirkland.com

Matthew S. Owen, P.C. (D.C. Bar No. 1013970)  
KIRKLAND & ELLIS LLP  
1301 Pennsylvania Avenue, N.W.,  
Washington, D.C. 20004  
Telephone: +1 202 389 5000  
Facsimile: +1 202 389 5200  
matt.owen@kirkland.com

Rachel M. Fritzler  
KIRKLAND & ELLIS LLP  
601 Lexington Avenue  
New York, N.Y. 10022  
Telephone: +1 212 446 4800  
Facsimile: +1 212 446 6460  
rachel.fritzler@kirkland.com

*Counsel for Appellant-Intervenor*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of October 2023, I electronically served and filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing will be served on counsel for all participants in this case via the CM/ECF system.

/s/ Mark E. Schneider, P.C.

Mark E. Schneider, P.C.

*Counsel for Appellant-Intervenor*